

ASSEMBLY BILL

No. 1075

Introduced by Assembly Member Blakeslee

February 22, 2005

An act to amend Sections 101680, 101685, 101750, 101755, and 101765 of, and to repeal Section 101785 of, the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1075, as introduced, Blakeslee. County organized health systems: Santa Barbara Regional Health Authority.

Existing law authorizes the Board of Supervisors of the County of Santa Barbara to order the formation of the Santa Barbara Regional Health Authority that shall include all of the areas of the county.

This bill would provide that the authority shall not be limited to areas of the county, provides for the provision of services by the authority within a service area, and defines service area to mean the geographical area where the authority provides a health care system.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101680 of the Health and Safety Code is
2 amended to read:
3 101680. The Board of Supervisors of the County of Santa
4 Barbara may, by ordinance or resolution, order the formation of
5 the Santa Barbara Regional Health Authority under this chapter
6 that shall include, *but need not be limited to*, all of the
7 incorporated and unincorporated areas of the county.

1 SEC. 2. Section 101685 of the Health and Safety Code is
2 amended to read:

3 101685. Unless the context otherwise requires, this article
4 governs the construction of this chapter. As used in this chapter:

5 (a) “Authority” means the Santa Barbara Regional Health
6 Authority.

7 (b) “Board” means the Santa Barbara Regional Health
8 Authority Board of Directors.

9 (c) “County” means the County of Santa Barbara.

10 (d) “Health care system” means any system established to
11 arrange for the provision of medical services.

12 (e) “Public agency” means the United States, the State of
13 California, any political subdivision, county, municipality,
14 district, or agency of the State of California or of the United
15 States and any department, bureau or commission of the State of
16 California or of the United States.

17 (f) “Person” means any individual, firm, partnership,
18 association, corporation, limited liability company, trust,
19 business trust, or the receiver or trustee or conservator for any of
20 the above, but does not include a public agency.

21 (g) “Professional advisory boards” means the boards
22 appointed by the board of directors of the authority pursuant to
23 its rules which shall consist of a representative cross-section of
24 professional providers of health care services within the county.

25 (h) “Community advisory boards” means advisory boards to
26 the authority’s board appointed by the board of directors of the
27 authority which shall consist of persons who represent
28 community and consumer interests and who do not directly earn
29 their income from the provision of medical health services.

30 (i) *“Service area” means the geographical area where the*
31 *authority provides a health care system.*

32 SEC. 3. Section 101750 of the Health and Safety Code is
33 amended to read:

34 101750. The authority is hereby declared to be a body
35 corporate and politic and it shall have power:

36 (a) To have perpetual succession.

37 (b) To sue and be sued in the name of the authority in all
38 actions and proceedings in all courts and tribunals of competent
39 jurisdiction.

40 (c) To adopt a seal and alter it at pleasure.

1 (d) To take by grant, purchase, gift, devise, or lease, to hold,
2 use and enjoy, and to lease, convey or dispose of, real and
3 personal property of every kind, within or without the boundaries
4 of the authority, necessary or convenient to the full exercise of its
5 powers. The board may lease, mortgage, sell, or otherwise
6 dispose of any real or personal property within or without the
7 boundaries of the authority necessary to the full or convenient
8 exercise of its powers.

9 (e) To make and enter into contracts with any public agency
10 or person for the purposes of this chapter, including, but not
11 limited to, agreements under Chapter 5 (commencing with
12 Section 6500) of Division 7 of Title 1 of the Government Code.
13 Members of the board shall be disqualified from voting on
14 contracts in which they have a financial interest. Notwithstanding
15 any other provision of law, members shall not be disqualified
16 from continuing to serve as a member of the board and a contract
17 may not be avoided solely because of a member's financial
18 interest.

19 (f) To appoint and employ an executive director and other
20 employees as may be necessary, including legal counsel, fix their
21 compensation and define their powers and duties. The board shall
22 prescribe the amounts and forms of fidelity bond of its officers
23 and employees. The cost of these bonds shall be borne by the
24 authority. The authority may also contract for the services of an
25 independent contractor.

26 (g) To incur indebtedness not exceeding revenue in any year.

27 (h) To purchase supplies, equipment, materials, property, or
28 services.

29 (i) To establish policies relating to its purposes.

30 (j) To acquire or contract to acquire, rights-of-way,
31 easements, privileges, or property of every kind within or without
32 the boundaries of the authority, and construct, equip, maintain,
33 and operate any and all works or improvements within or without
34 the boundaries of the authority necessary, convenient, or proper
35 to carry out any of the provisions, objects or purposes of this
36 chapter, and to complete, extend, add to, repair, or otherwise
37 improve any works or improvements acquired by it.

38 (k) To make contracts and enter into stipulations of any nature
39 upon the terms and conditions that the board finds are for the best

1 interest of the authority for the full exercise of the powers
2 granted in this chapter.

3 (l) To accept gifts, contributions, grants or loans from any
4 public agency or person for the purposes of this chapter. The
5 authority may do any and all things necessary in order to avail
6 itself of the gifts, contributions, grants or loans, and cooperate
7 under any federal or state legislation in effect on March 25, 1982
8 or enacted after that date.

9 (m) To manage its moneys and to provide depository and
10 auditing services pursuant to either of the methods applicable to
11 special districts as set forth in the Government Code.

12 (n) To negotiate with service providers rates, charges, fees
13 and rents, and to establish classifications of health care systems
14 operated by the authority. Members of the board who are county
15 officers and employees may vote to approve arrangements and
16 agreements between the authority and the county as a service
17 provider and these directors shall not thus be disqualified solely
18 for the reason that they are employed by the county.

19 (o) To develop and implement health care delivery systems to
20 promote quality care and cost efficiency and to provide appeal
21 and grievance procedures available to both providers and
22 consumers.

23 (p) To provide health care delivery systems for any or all of
24 the following:

25 (1) For all persons who are eligible to receive medical
26 benefits under the Medi-Cal Act, as set forth in Sections 14000
27 ~~and following~~ *et seq.*, of the Welfare and Institutions Code in the
28 ~~county service area~~ through waiver, pilot project, or otherwise.

29 (2) For all persons in the county who are eligible to receive
30 medical benefits under both Titles XVIII and XIX of the federal
31 Social Security Act.

32 (3) For all persons in the county who are eligible to receive
33 medical benefits under Title XVIII of the federal Social Security
34 Act.

35 (4) For all persons in the county who are eligible to receive
36 medical benefits under publicly supported programs if the
37 authority, and participating providers acting pursuant to
38 subcontracts with the authority, agree to hold harmless the
39 beneficiaries of the publicly supported programs if the contract

1 between the sponsoring government agency and the authority
2 does not ensure sufficient funding to cover program benefits.

3 (q) To insure against any accident or destruction of its health
4 care system or any part thereof. It may insure against loss of
5 revenues from any cause. The authority may also provide
6 insurance as provided in Part 6 (commencing with Section 989)
7 of Division 3.6 of Title 1 of the Government Code.

8 (r) To exercise powers that are expressly granted and powers
9 that are reasonably implied from express powers and necessary to
10 carry out the purposes of this chapter.

11 (s) To do any and all things necessary to carry out the
12 purposes of this chapter.

13 SEC. 4. Section 101755 of the Health and Safety Code is
14 amended to read:

15 101755. Notwithstanding any other provision of law, the state
16 or any state agency may enter into contracts with the authority
17 for the authority to obtain or arrange for health care under the
18 authority's health care systems, for all persons who are eligible to
19 receive medical benefits under the Medi-Cal Act, as set forth in
20 Section 14000 et seq., of the Welfare and Institutions Code, and
21 to enter into contracts for the provision of health care services to
22 subscribers in the Healthy Families Program, in ~~Santa Barbara~~
23 ~~County~~ *its service area* through waiver, pilot project, or
24 otherwise.

25 SEC. 5. Section 101765 of the Health and Safety Code is
26 amended to read:

27 101765. Any licensed provider eligible to receive Medi-Cal
28 reimbursement under law and who enters into a written contract
29 with the authority under terms and conditions approved by the
30 department shall be able to participate in this program as a
31 provider. A written agreement shall not be required if any of the
32 following circumstances apply:

33 (a) The provider renders any medically necessary emergency
34 health care on a nonroutine basis.

35 (b) The provider renders services that are duly authorized by
36 the authority, if the services are either seldom used or are
37 rendered outside of the ~~county~~ *service area*.

38 SEC. 6. Section 101785 of the Health and Safety Code is
39 repealed.

1 ~~101785. If the board of supervisors does not, by ordinance or~~
2 ~~resolution, order the formation of the authority under this chapter~~
3 ~~prior to January 1, 1986, this chapter is repealed as of January 1,~~
4 ~~1986, unless a later enacted statute, chaptered before that date,~~
5 ~~deletes or extends that date.~~

6 ~~On or before January 15, 1986, the board of supervisors shall~~
7 ~~report to the Secretary of State as to whether it has established~~
8 ~~the authority.~~

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